

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

AL BEAMER, et al.)	CASE NO. C-1-02-013
)	
Plaintiffs,)	JUDGE SPIEGEL
)	
-vs-)	
)	<u>PLAINTIFF'S AMENDMENT TO FINAL</u>
NETCO, INC., et al.)	<u>PRETRIAL ORDER</u>
)	
Defendants.)	
)	

Attached herein are Amended Appendices C, D and E. These Appendices should be incorporated with the Final Pretrial Order.

/s/Richard C. Haber
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APPENDIX C**JOINT EXHIBITS**

Designation	Description	Offered	Admitted	Proffered
I	May 21, 1993 employment contract between Al Beamer and Equity Title Company – USA.			
II	June 14, 1994 employment agreement between Al Beamer and Equity Title Company of America.			
III	January 1999 employment agreement between Equity Title Company of America, Inc. (NETCO) and Al Beamer.			
IV	July 12, 1996 contract extension and amendment between Al Beamer and Equity Title – Southeast, Inc.			
V	August 1, 1998 contract extension and amendment between Title Marketing Company and Trans Continental Title Company, Inc.			
VI	Contract amendment between Title Marketing Company, Inc., and Trans Continental Title Company, Inc., dated March 30, 1999.			
VII	August 11, 1999 contract amendment between Title Marketing Company, Al Beamer and Trans Continental Title Company.			
VIII	1998 IRS Form 1040 for Kathleen E. and Robert A. Beamer.			
IX	1998 IRS Form 1120S for Title Marketing Company.			
X	1999 IRS Form 1040 for Kathleen E. and Robert A. Beamer.			
XI	1999 IRS Form 1120S for Title Marketing Company.			
XII	2000 IRS Form 1040 for Kathleen E. and Robert A. Beamer.			
XIII	2000 IRS Form 1120S for Title Marketing Company.			
XIV	2001 IRS Form 1040 for Kathleen E. and Robert A. Beamer.			
XV	2001 IRS Form 1120S for Title Marketing Company.			

XVI	2002 IRS Form 1040 for Kathleen E. and Robert A. Beamer.			
XVII	2002 IRS Form 1120S for Title Marketing Company.			
XVIII	Stock Purchase Agreement between William H. Baumgart and Virginia L. Bertram regarding the purchase of Southeast Equity Title Agency, Inc. date March 1997			

APPENDIX D**EXHIBITS FOR PLAINTIFFS/COUNTERCLAIM DEFENDANT****AS PLAINTIFFS IN CASE IN CHIEF**

Designation	Description	Offered	Admitted	Proffered
1	January 20, 1994 Employment Contract of Al Beamer with Equity Title/Southeast			
2	Stock Purchase Agreement for sale of Southwest Equity Title Agency, Inc. dated March 31, 1997			
3.	Hand written note from Al Beamer to William and John Baumgart re modified compensation proposal			
4	Minute Book of Equity Title Agency of Ohio, Inc.			
5	Certificate of Amendment by the Shareholders to the Articles of Incorporation of Equity Title of Ohio approved by the Secretary of State on August 13, 1996			
5	Decision of the First District Court of Appeals in <i>National Equity Title Agency, Inc. v. Rivera</i> , 147 Ohio App. 3d 246 (2001)			
6	Al Beamer employment records from Transcontinental (excluding contracts separately marked)			
7	Web page from Transcontinental Title retrieved November 23, 2003 – “About TCT”			
8.	Settlement Agreement circulated December 1999 in <i>Rivera</i> Matter			

AS COUNTERCLAIM DEFENDANT IN COUNTERCLAIM

Designation	Description	Offered	Admitted	Proffered
	SEE ABOVE			

APPENDIX E**EXHIBITS FOR DEFENDANTS/COUNTERCLAIMANT**

Designation	Description	Offered	Admitted	Proffered
A	Plaintiff's Complaint filed on December 6, 2001.			
B	April 9, 1999 announcement regarding Al Beamer's resignation.			
C	January 11, 1999 memo to Al Beamer from Bill Andrews re contract.			
D	August 27, 1999 written resignation of Antonio Rivera.			
E	February 6, 1998 employment agreement between Antonia Rivera and NETCO.			
F	August 24, 1999 facsimile from Antonio Rivera to Ralph Miller with employment agreement enclosure.			
G	August 27, 1999 correspondence from Ralph A. Miller to Antonio Rivera regarding employment agreement.			
H	August 27, 1999 correspondence from William Andrews to Antonio Rivera regarding resignation and employment agreement.			
I	September 27, 1999 correspondence from William Andrews to Antonio Rivera regarding violations of employment agreement.			
J	September 27, 1999 correspondence from William Andrews to Antonio Rivera, sent via UPS.			
K	Correspondence from Al Beamer to NETCO's general counsel regarding National Real Estate Title Agency, Inc., dated December 10, 1999 per certified mail receipt.			
L	January 19, 2000 correspondence from William Andrews to Antonio Rivera and Al Beamer.			
M	October 27, 1999 National Real Estate Title Agency business plan.			
N	Articles of Incorporation of National Real Estate Title Agency, Inc., dated August 31, 1999.			
O	Preorganization and Subscription Agreement			

	for National Real Estate Title Agency dated October 21, 1999.			
P	Verified Complaint for Temporary Restraining Order, Other Injunctive Relief and Damages in the matter of NETCO v Antonio Rivera and National Real Estate Title Agency, Inc., dated November 9, 1999.			
Q	November 9, 1999 Motion for Temporary Restraining Order and Other Injunctive Relief and Memorandum in Support in the matter of NETCO v Antonio Rivera and National Real Estate Title Agency, Inc.			
R	November 10, 1999 Order Granting Temporary Restraining Order in the matter of NETCO v River and National Real Estate Title Agency, Inc.			
S	November 24, 1999 Agreed Order Extending Temporary Restraining Order in the matter of NETCO v Rivera and National Real Estate Title Agency, Inc.			
T	November 24, 1999 Plaintiff's Motion to Show Cause why Defendants Should Not be Held in Contempt of Court in the matter of NETCO v Rivera and National Real Estate Title Agency, Inc.			
U	July 31, 2000 Findings of Fact and Conclusions of Law in the matter of NETCO v Rivera and National Real Estate Title Agency, Inc.			
V	August 10, 2000 Judgment Entry Granting a Preliminary and Permanent Injunction in the matter of NETCO v Rivera and National Real Estate Title Agency, Inc.			
W	December 16, 1999 Supplemental Motion to Show Cause why Defendant Should Not be Held in Contempt of Court and for Other Sanctions in the matter of NETCO v Antonio Rivera and National Real Estate Title Agency, Inc.			
X	October 13, 2000 Summary of Brief regarding Contempt and Second Supplemental Motion Regarding Continued Contempt in the matter of NETCO v Rivera and National Real Estate Title Agency, Inc.			
Y	Judgment Entry regarding Motion for Contempt in the matter of NETCO v Rivera			

	and National Real Estate Title Agency, Inc., dated December 29, 2000.			
Z	December 7, 1999 Rescission and Mutual Release draft proposed between Al Beamer, Title Marketing Company, Inc., and Transcontinental Title Company, Inc.			
AA	Settlement Agreement between Al Beamer, Title Marketing Company, Inc., and Transcontinental Title Company, Inc.			
BB	Mutual Release between Al Beamer, Title Marketing Company and Transcontinental Title Company dated April 16, 2001.			
CC	Employment contract and software license agreement between Residential Title Services and Title Marketing Company and Al Beamer dated July 31, 2002.			
DD	May 15, 2003 employment contract between Al Beamer, Title Marketing Company and Residential Title Services, Inc.			
EE	Programming and consulting contract between Residential Title Services and Title Marketing Company dated March 24, 2001.			
FF	November 28, 2001 correspondence between William H. Baumgart and David M. Snyder regarding payment to Beamer.			

CERTIFICATE OF SERVICE

A copy of the foregoing Unopposed Motion For Extension of Deadlines was sent by ordinary U.S. Mail and the courts electronic delivery system, postage prepaid on this May 10, 2004 to:

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